

WEDNESDAY, MARCH 19, 2003

TWENTIETH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by the Reverend Jeff Laborg of Sharon Baptist Church in Savannah, Tennessee, a guest of Mr. Speaker Wilder.

PLEDGE OF ALLEGIANCE

Senator Beavers led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

STANDING COMMITTEE REPORTS

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 200, 614, 1509, 1581, 1582, 1887 with amendment and 1901 with amendment.

COOPER, Chairperson
March 18, 2003

The Speaker announced that he had referred Senate Bills Nos. 200, 614, 1509, 1581, 1582, 1887 with amendment and 1901 with amendment to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 430, 1847 and 1783; and Senate Resolution No. 16.

PERSON, Chairperson
March 18, 2003

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The Speaker announced that he had referred Senate Bills Nos. 430, 1847 and 1783; and Senate Resolution No. 16 to Committee on Calendar.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 149, 941, 946 and 1472.

HARPER, Chairperson
March 19, 2003

The Speaker announced that he had referred Senate Bills Nos. 149, 941, 946 and 1472 to Committee on Calendar.

MOTION

Senator Herron moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 147**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 147 -- Memorials, Professional Achievement -- John and Jennifer Smith, National Young Farmer and Rancher Achievement Award.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 147** was concurred in by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

PRESENTATION

Senator Herron presented **House Joint Resolution No. 147** to John and Jennifer Smith.

MOTION

Senator Bryson moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 188**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 188 by Senator Bryson.

Memorials, Public Service -- Graduating class of Tennessee Fire Service and Codes Enforcement Academy.

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On motion of Senator Bryson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 188** was adopted by the following vote:

Ayes 33

Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 1998 by Senator Trail.

Animal Control -- Authorizes animal control director, instead of county trustee, in Rutherford County to collect animal registration fee and to post bond in sufficient amount to assure that funds collected are properly administered and paid over to county. Amends TCA Section 68-8-104.

Senate Bill No. 1999 by Senator Southerland.

Hamblen County -- Subject to local approval, requires county road fund warrants to be signed by county executive and counter-signed by finance director. Amends Chapter 161 of the Private Acts of 1996.

Senate Bill No. 2000 by Senators Trail and Ketron.

Rutherford County -- Subject to local approval, creates human resources department.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 28 -- Education, Higher -- Clarifies that institution of higher education cannot prohibit sorority from locating and maintaining residential house on campus if institution permits fraternity house on campus; rules applying to sororities can be no less stringent than those applying to fraternity houses. Amends TCA Title 49.

House Bill No. 230 -- Registers of Deeds -- Removes requirement that register include on certification of record written reference to where recorded instruments are noted in paper records. Amends TCA Section 8-13-108(a)(6).

House Bill No. 269 -- Highway Signs -- "Hickman County Veterans Highway", segment of S.R. 230.

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House Bill No. 276 -- Highway Signs -- "Harrison Bay Parkway", S.R. 58 in Hamilton County.

House Bill No. 287 -- Election Laws -- Creates mechanism for certain voters to vote absentee who will not be in-state during early voting nor on election day and who have no specific out-of-county or out-of-state location to which absentee ballot may be sent. Amends TCA Title 2, Chapter 6, Part 2.

House Bill No. 512 -- Registers of Deeds -- Clarifies that only certain fees are to be earmarked for computerization of register's office. Amends TCA Section 8-21-1001(d).

House Bill No. 529 -- County Government -- Authorizes counties to pay for deceased pauper's cremation expenses; requires verification of financial need and no alternative source of funding by affidavit. Amends TCA Section 5-9-101 and Section 5-9-311.

House Bill No. 585 -- Death -- Permits registered nurse employed by hospital and licensed in this state to make determination and pronouncement of death for patients in that hospital if attending physician agrees in writing to sign death certificate and agreement is present with deceased at time of death. Amends TCA Title 68, Chapter 3, Part 5.

House Bill No. 1251 -- Auctions and Auctioneers -- Authorizes apprentice auctioneer who is also broker or affiliate broker to conduct or offer to conduct auctions of real property as long as auctioneer for whom apprentice auctioneer is employed for such purposes is on premises of property during auction. Amends TCA Section 62-19-102.

House Bill No. 1258 -- Boards and Commissions -- Increases membership of tax study commission to include one member who is African-American and three members who are female. Amends TCA Title 67, Chapter 10, Part 1.

House Bill No. 2046 -- Agriculture -- Requires persons applying for commercial aerial applicator license to first obtain certification in category of pesticides such persons intend to apply; imposes other requirements on licensed aerial applicators and increases punishment for violation of aerial application provisions. Amends TCA Title 43, Chapter 8, Part 3.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 1996 held on desk.

Senate Bill No. 1997 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 186 by Senator Beavers.
Memorials, Academic Achievement -- Garrett Davis Gifford, Valedictorian, Gordonsville High School.

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Senate Joint Resolution No. 187 by Senator Beavers.

Memorials, Academic Achievement -- Kelli Angel, Salutatorian, Gordonsville High School.

Senate Joint Resolution No. 189 by Senators Burchett, Atchley and McNally.

Memorials, Professional Achievement -- Thomas A. Varlan.

Senate Resolution No. 21 by Senator Kurita.

Memorials, Recognition -- Support of India.

Senate Resolution No. 22 by Senator Dixon.

Memorials, Public Service -- Brittany McGruder, Prudential Spirit of Community Award.

Senate Resolution No. 23 by Senator Dixon.

Memorials, Academic Achievement -- Quinten Terrell Barlow, National Dean's List.

RESOLUTIONS LYING OVER

House Joint Resolution No. 26 -- Memorials, Sports -- The Imperials.

The Speaker announced that he had referred House Joint Resolution No. 26 to Committee on Calendar.

House Joint Resolution No. 157 -- Memorials, Retirement -- John William Taylor.

The Speaker announced that he had referred House Joint Resolution No. 157 to Committee on Calendar.

Senate Joint Resolution No. 180 -- General Assembly, Statement of Intent or Position --

Urges CBS to cease production of "The Real Beverly Hillsbillies" reality television show.

Senate Joint Resolution No. 180 to Committee

on Commerce, Labor and Agriculture.

Senate Joint Resolution No. 181 -- General Assembly, Statement of Intent or Position --

Urges popular election of director of schools in Jefferson County.

Senate Joint Resolution No. 181 to Committee

on Education.

Senate Joint Resolution No. 182 -- Memorials, Personal Achievement -- Joe Adkins.

Senate Joint Resolution No. 182 to Committee

on Calendar.

Senate Joint Resolution No. 183 -- Memorials, Professional Achievement -- 100 Black Men

of Bradley County, Inc.

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The Speaker announced that he had referred Senate Joint Resolution No. 183 to Committee on Calendar.

Senate Joint Resolution No. 184 -- Memorials, Congress -- Urges passage of H.R. 720 (the Sales Tax Equity Act of 2003) by Representative Brady, et al, to amend Internal Revenue Code of 1986 to allow deduction of state and local sales taxes in lieu of state and local income taxes.

The Speaker announced that he had referred Senate Joint Resolution No. 184 to Committee on Finance, Ways and Means.

Senate Joint Resolution No. 185 -- Memorials, Government Officials -- Invites U.S. Senator Bill Frist to address joint session of General Assembly on federal health care reforms, deductability of state sales tax from federal income tax, and underfunded and unfunded federal mandates.

The Speaker announced that he had referred Senate Joint Resolution No. 185 to Committee on Finance, Ways and Means.

MOTION

Senator Henry moved, pursuant to the request of the House of Representatives, that **Senate Joint Resolution No. 126** be returned to the House of Representatives, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

CALENDAR

Senator Beavers moved that **Senate Joint Resolutions Nos. 150, 151, 163, 164 and 168** be withdrawn, which motion prevailed.

Senate Bill No. 374 -- Law Enforcement -- Enacts "General Patton Act of 2003". Amends TCA Title 4, Chapter 7, Part 1; Title 38, Chapter 8, Part 1; Title 39, Chapter 14, Part 2 and Title 44, Chapter 17, Part 4, as amended.

Senator Norris moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the word "shall" in subsection (a) in the amendatory language of Section 2 and substituting instead the word "may".

AND FURTHER AMEND by deleting subsection (d) in the amendatory language of Section 2 and substituting instead the following:

(d) Every officer who was employed prior to the time when the course of instruction was established and offered may be required to complete it as part of such officer's annual in-service training.

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On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 374**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Williams moved that **Senate Bill No. 578** be placed on the calendar for Wednesday, April 9, 2003, which motion prevailed.

RECALL OF BILL

On motion of Mr. Speaker Wilder, **Senate Bill No. 1085** was recalled from the Committee on Commerce, Labor and Agriculture.

REFERRAL

On motion of Mr. Speaker Wilder, Senate Bill No. 1085 was referred to the Committee on Judiciary.

MOTION

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 147**.

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolutions Nos. 150 and 155**.

On motion of Senator Atchley, his name was added as sponsor of **Senate Bill No. 1598**.

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 147**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 188**.

On motion of Senator Ramsey, his name was added as sponsor of **Senate Bill No. 1598**.

ENGROSSED BILLS

March 19, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 374; and Senate Joint Resolution No. 188; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

SIGNED

March 19, 2003

The Speaker announced that he had signed the following: House Bills Nos. 1798, 2065 and 2067.

REPORT OF CHIEF ENGROSSING CLERK

March 18, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 36, 341 and 677; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 18, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 129, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 20, 2003: House Joint Resolutions Nos. 26, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156 and 157; and Senate Joint Resolutions Nos. 173, 174, 175, 176, 177, 178, 182 and 183.

This the 18th day of March, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 20, 2003: Senate Bills Nos. 742, 764, 791 and 792.

This the 18th day of March, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, March 20, 2003: Senate Bills Nos. 1796, 1983 and 1986.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, March 20, 2003, which motion prevailed.

